



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,240	07/09/2001	David H. Abecassis		7493

7590 02/10/2004
David H. Abecassis
18457 Long Lake Drive
Boca Raton, FL 33496

EXAMINER

NICOLAS, FREDERICK C

ART UNIT	PAPER NUMBER
----------	--------------

3754

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,240

Applicant(s)

ABECASSIS ET AL.

Examiner

Frederick C. Nicolas

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cordry et al. 4,687,206.

Cordry et al. discloses a method of playing a game (col. 1, ll. 5-11) and as seen in Figure 1, which comprises the steps of generating, in direct response to an action of a player playing a game, a first area (8) overlapping only a portion of a resource area (col. 4, ll. 16-39) and (col. 7, ll. 49-68 onto col. 8, ll. 1-12), the overlapping portion defining a resource collection area, and enabling an acquisition of resources from the resource collection area (col. 9, ll. 35-65), the step of generating a second area overlapping at least a portion of the resource collection area (col. 4, ll. 30-38 and as seen in Figure 1, the step of generating a second area overlapping at least a portion of the resource collection area and wherein the first area and the second area differ with respect to a degree of influence over the resources that are available from the overlapping portion of the resource collection area (col. 4, ll. 16-39 and as seen in Figure 1.

Allowable Subject Matter

3. Claims 12-20 are allowed.

4. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a method of playing a game in combination with the other claimed limitations of claim 12:

"enabling an acquisition of resources from a second portion of the first area being overlapped by the second area".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

5. Applicant's arguments filed 12/23/2003 have been fully considered but they are not persuasive. Applicant argued that "the method for distributing territories to players" in the reference of Cordry et al. do not describe, anticipate or render obvious the claimed limitation "generating, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area". As stated above by the applicant that the territories were distributed to the players, meaning the players had no prior knowledge of which territories they will possess. Therefore, the method of distributing territories to the players as disclosed by Cordry et al. (col. 7, ll. 49-68 onto col. 8, ll. 1-12) is the generating aspect of creating one or more territories/area to the players. Further, applicant argued that the reference of Cordry et al. does not describe, anticipate or render obvious the claimed limitation "a first area overlapping only a portion of a resource area". Cordry et al. explicitly show in Figure 2, how territory

(Congo Basin) overlaps a resource area (34). Applicant should further note that such area constitutes a volume as seen in Figure 2. In response to applicant's arguments described on page 11, lines 21-30 onto page 14, lines 1-28), in Figures 1-2, Cordry et al. disclose in Figures 1-2, multiple territories such as (Congo Basin), (East Africa), (Atlantic Ocean) and each of these territories contains a resource (32,34) which is some how different from each other see (col. 6, ll. 1-40). In col. 5, ll. 25-68), Cordry et al. disclose the location of some of the territories including the location of the resources of each territory. As to the claimed limitation, "wherein the resources that are available is further responsive to a distance to a means for the acquisition of resources", as disclosed in (col. 6, ll. 23-36) and shown in Figure 2, resources (34, 38, 32) are in different location to each other. Any remaining arguments have been fully addressed in the above rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

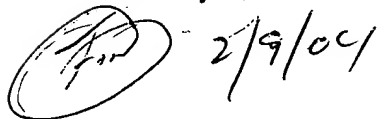
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-305-6385. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancene L. Gene, can be reached on 703-308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
February 9, 2004

Handwritten signature and date "2/9/04".

Gene Mancene
Supervisory Patent Examiner
Group 3700